

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 10805 of 2002

Between:

K.Satyanarayana Rao Vice President
Bezwada Bar Association, Governorpet, Vijayawada.

..... PETITIONER

AND

1.The Station House Officer,

Machavaram Police Station,
Machavaram, Vijayawada Rural, Krishna District.

2.The Sub-Inspector of Police, Machavaram Police Station,
Vijayawada Rural, Krishna District.

3. The Circle Inspector of Police, Vijayawada Rural Circle
Machavaram, Krishna District.

4.The Commissioner of Police Vijayawada, Krishna District.

5.The Superintendent of Police, Krishna District at Machilipatnam.

6.The Secretary to Govt. of A.P. Home (Police) Department
Secretariat, Hyderabad.

7. The Director General of Police Govt. of A.P., Hyderabad

8. The III Metropolitan Magistrate, Vijayawada, Krishna District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the fax message, the High Court will be pleased to issue, an order, direction, or a writ, more particularly, one in the nature of Writ of Mandamus calling for the remarks and records from the respondents herein in and connected

to:- 1. The death of one Durga Prasad accused in Crime No.161/2002 on the file of IIIrd Metropolitan Magistrate Vijayawada who was shot dead by the Police, when he tried to escape while he was taking for investigation from judicial custody on 04/06/2002 by police personnel of Machavaram police Station, and 2.Directing the concerned authorities to probe and conduct an enquiry for the cause of death of the said Durga Prasad accused in Crime No.161/2002 and punish the culprits.

Counsel for the Petitioner: THROUGH FAX MESSAGE

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORAL ORDER:

(per Honourable Sri Devinder Gupta, the Chief Justice)

Fax message was received from the Bezwada Bar Association dated: 8.6.2002 alleging that on 4.6.2002, Machavaram police took one Durga Prasad, accused in Crime No. 161/2002 into custody from III Metropolitan Magistrate, Vijayawada for investigation, and, the accused was shot dead by the police. The version of the police was that when the accused tried to escape, he was shot. The Bar members made a grievance that death had taken place in police custody and the guidelines issued by the Supreme Court of India had to be adopted. Subsequently, on 24.6.2002, the minutes of the General Body meeting of the Bezawada Bar Association were received, wherein, it is stated that they had resolved to appoint a Committee of Members to render legal assistance to the family of the victim, who was alleged to have been killed by Ratna Raju, Sub-Inspector of Police.

While the matters stood thus, affidavit-in reply has been filed by D.V.Nageswara Rao, Inspector of Police, L&O. Vijayawada City, furnishing details leading to the incident in question in connection with the manner in which the accused was handed-over to the police in Crime No.75 of 2002 under Section 302 and 201 IPC of Vuyyuru Town Police Station, and, leading to registration of Crime No.444 of 2002 on the complaint of ASI, and, ultimately, stating that Crime No. 448 of 2002 was also registered at Machavaram Police Station, and in order to have a fair and impartial investigation, the Deputy Inspector-General of Police, Eluru Range took a decision to entrust the investigation to a D.S.P. of other District, which was stated to be done. In this view of the matter, no further direction deserves to be issued in this Writ

Petition, more particularly, in view of the pendency of the investigation, and, since members of the Bar are rendering legal assistance to the family members of the deceased, on conclusion of enquiry, if family members feel aggrieved, they can have recourse to law. The Writ Petition stands closed.

DEVINDER GUPTA, C.J.

24.1.2005.

M.NARAYANA REDDY, J.

VR.

To

1.The Station House Officer,

Machavaram Police Station,
Machavaram, Vijayawada Rural, Krishna District.

2.The Sub-Inspector of Police, Machavaram Police Station,
Vijayawada Rural, Krishna District.

3. The Circle Inspector of Police, Vijayawada Rural Circle
Machavaram, Krishna District.

4.The Commissioner of Police Vijayawada, Krishna District.

5.The Superintendent of Police, Krishna District at Machilipatnam.

6.The Secretary to Govt. of A.P. Home (Police) Department
Secretariat, Hyderabad.

7. The Director General of Police Govt. of A.P., Hyderabad

8. The III Metropolitan Magistrate, Vijayawada, Krishna District

9. Two CCs to the Government Pleader for Home, High Court Buildings, Hyderabad
(OUT).

10. Two CD copies.